

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re:

Jean A. DeGutis

Chapter 13
Case No. 16-11692 FJB

**RESPONSE BY DEBTOR TO OBJECTION TO
CONFIRMATION OF THE DEBTOR'S CHAPTER 13 PLAN**

Now comes Jean A. DeGutis (the "Debtor") and responds to the Objection of Webster Bank, N.A ("Webster") to the Debtor's Chapter 13 Plan (the "Objection") as follows:

1. Admits.
2. Admits.
3. Admits.
4. Admits.
5. Admits.
6. Admits.
7. Denies.
8. Admits.
9. The Debtor lacks sufficient knowledge to admit or deny as the bank has not filed a proof of claim regarding its mortgage claim nor can the Debtor determine how much of the attorney's fees alleged were incurred pursuant to Webster's actions against Equitation Unlimited, Inc. regarding its attempt to have a receiver appointed in that matter or whether Webster assessed the Debtor for all fees.
10. Counsel has asked the Debtor to review her records regarding post-petition payments but has not received a response back yet and therefore states that the Debtor lacks sufficient knowledge to admit or deny the assertions in paragraph 10 at this time other than admitting Tanbark Farm is a d/b/a of the Debtor.
11. The Debtor lacks sufficient knowledge to admit or deny as she has not been receiving mortgage statements.
12. The Debtor lacks sufficient knowledge to admit or deny for the same reasons asserted in response to paragraph 9 above.

13. Debtor admits that the plan must be amended to reflect accurate amounts due on claims once those are determined.
14. Debtor admits that the prepetition claim in her plan does not match the amount Webster claims it is owed in its Objection. However Webster still has not filed a proof of claim, nor ever told the Debtor prior to its objection what it was owed. Therefore, the Debtor's plan is based on the most accurate information available to her as of the petition date.
15. The Debtor denies that the Chapter 13 Trustee directed the Debtor to amend or modify the plan at this time. As the Debtor recalls, the Trustee stated that it was clear the plan's intent was to cure the arrears and make regular post-petition payments to Webster. She also stated that the plan would most likely be amended once claims were filed but that it was not necessary to amend or modify the plan at that time.
16. Debtor admits the plan has not yet been amended but denies the remainder.
17. Denied.
18. Admits.
19. Denied. The insurance binder provided to the Chapter 13 Trustee states it is in effect through March 25, 2017.
20. Denied.
21. Denied.
22. Admits.
23. Denied as the policy was handed to the Chapter 13 Trustee at the 341 meeting.
24. Denied. Furthermore, the policy makes two references to the insured. The first one correctly lists the complete full address of the property but the second reference incorrectly lists the town as North Attleboro instead of Plainville but still carried forward the street address and zip code for Plainville. It is clearly a clerical error on the part of the agent. Debtor further states the remainder of Webster's assertions are irrelevant and denies that she is required to provided same.
25. Denied.
26. Denied.
27. Admits.
28. Debtor admits that she receives boarding fees for horses but denies the remainder.
29. Admits.
30. Denied.

Wherefore, the Debtors requests that the Objection by Webster Bank be denied.

Jean A. DeGutis
by her attorney,

/s/ Honoria DaSilva-Kilgore
Honorias DaSilva-Kilgore, BBO# 564202
The Law Offices of
Honorias DaSilva-Kilgore, P.C.
2 Richard Street, P.O. Box 277
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Date: July 25, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of July 2016, I served the **Response by Debtor** using the CM/ECF system on the following CM/ECF participants:

John Fitzgerald
USTPRegion01BO.ECF@USDOJ.GOV

U.S. Trustee

Carolyn Bankowski
13trustee@ch13boston.com

Chapter 13 Trustee

Anthony Leone
aleone@murthalaw.com

for Webster Bank, N.A.

Thomas S. Vangel
tvangel@murthalaw.com

for Webster Bank, N.A.

I hereby certify that I have this same day mailed, by first class mail, postage prepaid, the documents electronically filed with the Court to the non CM/ECF participants and interested parties listed below:

Jean A. DeGutis
44 Warren Street
Plainville, MA 02762

Debtor

/s/ Honoria DaSilva-Kilgore
Honorias DaSilva-Kilgore, BBO # 564202